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| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO.    | CONFIRMATION NO. |
|--|-------------|----------------------|------------------------|------------------|
| 10/044,372   | 01/10/2002  | Brian J. Mahoney     | P05454US0              | 9324             |
| 34082  | 7590        | 10/04/2003           | EXAMINER<br>CHIN, GARY |                  |
| ZARLEY LAW FIRM P.L.C.<br>CAPITAL SQUARE<br>400 LOCUST, SUITE 200<br>DES MOINES, IA 50309-2350 |             |                      | ART UNIT<br>3661       | PAPER NUMBER     |

DATE MAILED: 10/04/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                 |                |  |
|------------------------------|-----------------|----------------|--|
| <b>Office Action Summary</b> | Application No. | Applicant(s)   |  |
|                              | 10/044,372      | MAHONEY ET AL. |  |
|                              | Examiner        | Art Unit       |  |
|                              | Gary Chin       | 3661           |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) Responsive to communication(s) filed on \_\_\_\_\_.

2a) This action is FINAL.                  2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) Claim(s) 1-13 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-13 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on 10 January 2002 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) All b) Some \* c) None of:  
1. Certified copies of the priority documents have been received.  
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

|  |  |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ . |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                 | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>2 &amp; 4</u> . | 6) <input type="checkbox"/> Other: _____                                     |

## **DETAILED ACTION**

### ***Drawings***

1. The drawings are objected to because there is no descriptive legend provided for each of the structural elements shown in figure 1 currently represented in a form of hollow rectangles. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

### ***Claim Rejections - 35 USC § 112***

2. Claims 1-13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As per claims 1-4, it is unclear as to what is meant by “default information”. It appears that it should be “fault information”. Clarification and appropriate correction are required. Further, in claim 1, line 4, “control information server” should be “central information server” in order to establish the antecedent basis for “the central information server” in claim 4. Moreover, in claims 2-4, the antecedent basis for “the fleet manager” has not been set forth in these claims.

As per claim 5, the recitation therein is contextually unclear. Further, it is unclear as to what structural means performs the steps of “sensing”, “submitting” and “communication”.

As per claim 7, the terms “a crop processing fault” on line 3 and “a predefined threshold” on line 5 should be “said crop processing fault” and “said predefined threshold” respectively in order to avoid the antecedent basis problem.

As per claim 11, the recitation therein is also contextually unclear. Further, the limitation on lines 1-2 has already been recited in the parent claim 5 and therefor should be deleted. Moreover, it is unclear as to what structural means performs the steps of “sensing” and “transmitting”. Finally, the phrase “the same” is considered vague and indefinite.

As per claim 12, lines 1-2, “the sensed operational data” should be “the operational data” in order to avoid the antecedent basis problem.

Claim(s) that have not been specifically indicated is/are rejected for incorporating the above error(s) from its/their parent claim(s) by dependency.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

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5. Claims 1-6 and 8-9 as best understood in view of the aforementioned 112 deficiencies are rejected under 35 U.S.C. 103(a) as being unpatentable over Joao (Patent Application Publication no. 2002/0016655 A1) in view of Scholl et al (patent no. 5400018).

As per claims 1, 3-6 and 8, figure 1 of the Joao reference clearly discloses the method for monitoring equipment for a machine fault including the steps of monitoring the operating fault information (item 30 and pages 9-10 & 16), transmitting the operational fault information to a central server or a fleet manager (item 10 and page 10) and automatically transmitting the fault information to a person having owner, custodial or service responsibility for the machine (see items 20, 50, 60 and the abstract). The difference between the claimed invention and that disclosed in Joao is that the fault information in the latter is produced or diagnosed at the central information server (item 10) instead of at a machine as claimed. However, such feature of producing the fault information at the machine prior to transmitting to the central information server is old and well known at the time the invention was made and clearly taught in figure 3 of the Scholl et al reference. Hence, it would have been obvious for a person having ordinary skill in the art to incorporate such well known feature as taught in Scholl et al into the Joao system so that the processing load of the central processing server can be reduced.

As per claim 2, the additionally claimed feature of e-mailed the fault information to the fleet manager is taught on page 11 of the Joao reference.

As per claim 9, the claimed at least one operational data is disclosed on col. 5 of the Scholl et al teaching.

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6. Claims 7 and 10-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Joao and Scholl et al as applied to claims 1-6 and 8-9 above, and further in view of Whitaker et al (patent no. 4296409).

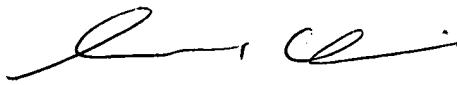
As per claims 7 and 10-13, it is noted that the additionally claimed crop processing fault associated with an operative element of an agricultural implement such as a combine has not been specifically disclosed in the Joao reference. However, the Joao reference on page 9 does disclose that the diagnosed fault information can be associated with any machines or vehicles. Further, such claimed fault information associated with a combine is clearly taught in figures 2-3 of the Whitaker et al reference. Hence, it would have been readily apparent for one skilled in the art , based on the direct suggestion found in Joao, to incorporate such well known fault information associated with a combine as taught in Whitaker et al into the Joao system in the event that the machine used in the Joao system is a combine as claimed.

7. The additional reference(s) is/are cited to show the related system(s). Applicant(s) should consider them carefully when responding to the current office action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gary Chin whose telephone number is (703) 305-9751. The examiner can normally be reached on Monday-Friday 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William A Cuchlinski can be reached on (703) 308-3873. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.



GARY CHIN  
PRIMARY EXAMINER